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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,610	03/17/2004	Hisakatsu Yamaguchi	108390-00061	1910

4372 7590 04/04/2007  
ARENT FOX PLLC  
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WASHINGTON, DC 20036

EXAMINER
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FILE, ERIN M

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/801,610

Applicant(s)

YAMAGUCHI, HISAKATSU

Examiner

Erin M. File

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Weon (U.S. Patent No. 6,272,138).

**Claims 1, 5, Weon discloses:**

- clock generation circuit generating a clock signal (col. 2, lines 51-52, produces a first transmission clock);
- jitter supply circuit allowing the clock signal generated by the clock generation circuit to include jitter (col. 2, line 66-col. 3, line 1, outputs data stream including jitter according to first transmission clock); and
- a data transmission circuit transmitting data in sync with the clock signal including the jitter (col. 2, line 64-col. 3, line 1, provides synchronous timing to output data stream including jitter according to first transmission clock).

**Claims 2, 6, Weon further discloses** the jitter supply circuit adjusts the amount of modulation and/or the frequency of the jitter included in the clock signal (jitter absorber 102 of fig. 1 reduces the frequency of the jitter).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weon (U.S. Patent No. 6,272,138) as applied to claims 1, 2, 5, and 6 above, and further in view of Little et al. (U.S. Patent No. 6,640,194).

Claims 3, 4, 7, 8, although Weon fails to disclose the jitter supply circuit supplies, as the jitter, at least any one of a sinusoidal jitter and a random jitter, however, Little discloses the addition of sinusoidal jitter (col. 4, line 26). Because sinusoidal jitter is a type of deterministic jitter and is therefore easier to predict and model it have advantageous modeling and determination properties. Therefore it would have been obvious to one skilled in the art at the time of invention to incorporate the sinusoidal jitter as disclosed by Little into the invention of Weon.

***Claim Objections***

5. Claim 3 objected to because of the following informalities: the word *any* should be deleted in line 4. Appropriate correction is required.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Knapp et al. (U.S. Pub. No. 2004/0057542) in which the abstract discloses "The data pattern may be made up of a series of non-transitions which, regardless of any jitter in the data itself, does not impute any jitter onto a phase-locked loop triggered from an edge of the non-transitioning data pattern" which is related to the limitations of dependent claim 9.

***Allowable Subject Matter***

7. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is 5712726040. The examiner can normally be reached on M-F 1-9:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 5712723024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erin M. File

EMP

3/30/2007

  
DAVID C. PAYNE  
SUPERVISORY PATENT EXAMINER